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TO : S/P- Mr. Kennan and S/P-Mr. Villard

FROM : UNA- Mr. McClintock

SUBJECT: Palestine versus United Nations

SECRET

On June 11 Mr. Villard informed me that the Policy Planning Staff planned to submit a study to the National Security Council on the implications of the Palestine problem in its present phase to the national interests of the United States. The study would, according to Mr. Villard, not present conclusions or make recommendations but would let the facts speak for themselves. In this connection Mr. Kennan desired a statement from UNA as to the interests of the United States in the furtherance of the United Nations, apparently in order that a contrast might be made between these over-all obligations under the United Nations Charter and our specific strategical interests in the Near East.

As an interim step I sent Mr. Villard on June 11 a copy of the Department's telegram to USUN #327, of May 26. This telegram set forth the text of a position paper entitled "United States Policy on the Shipment of Arms and Military Equipment to the Near East". This position paper was approved by President Truman on May 27 and forms the basic instructions to the United States Delegation to the Security Council with respect to the efforts of the Council to secure a cease-fire in Palestine and the application of a universal arms embargo to that country and the Arab States.

In evaluating the over-all obligations of the United States to the United Nations it is worthwhile to consider that a basic foreign policy of this government, as repeatedly expressed by the President and Secretary of State, was recapitulated in the following words on February 20, 1948, in President Truman's letter of transmittal to the Congress of his "Report on the United States and the United Nations for the year 1947". The President said:

> "It continues to be the intention of the United States to foster throughout our relations with other nations the fulfilment of the Charter in its entirety. We realize that nothing less than fidelity to the principles and faithful effort to achieve the purposes of the Charter will meet the genuine needs of any nation, whether large or small. Accordingly, the strengthening of the United Nations continues to be a cornerstone of the foreign policy of the United States".

The foregoing

The foregoing statement should be read in the light of the President's speech at San Francisco yesterday in which he referred to the United Nations Charter as "the constitution of the world". It is likewise useful to recall that on June 11 the Senate, by a vote of 64 to 4, approved a resolution "That the Senate reaffirm the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common interest".

As for the specific problem of Palestine, the United States sought officially, by introducing its resolution of May 17 before the Security Council, to place the question of bringing about a cessation of hostilities and the issuance of cease-fire within the framework of Chapter VII of the Charter. Under this chapter sanctions are applicable in order to maintain or restore international peace and security in case there is any threat to the peace, breach of the peace, or act of aggression. Furthermore, there is no doubt that under Articles 24(1) and 25 the members of the United Nations are bound to accept and carry out the decisions of the Security Council should the Council under Chapter VII decide to apply sanctions or make any other recommendation for the settlement of the Palestine problem in order to restore international peace. Furthermore, under Article 2(5) "All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action".

At the present time the United Nations Mediator appointed by the Special Session of the General Assembly under a resolution adopted May 14, 1948, has succeeded in giving effect to the resolution of the Security Council of May 29. This resolution, introduced by the United Kingdom Delegation with certain amendments by the French and United States Delegations, in effect calls for a cessation of hostilities and a cease-fire for a period of four weeks, without prejudice to the rights, claims, or position of either Arabs or Jews. It provides for an arms embargo to Palestine and the Arabian States and calls upon all governments to undertake not to introduce fighting personnel into those states during the period of the cease-fire.

Count Bernadotte, the United Nations Mediator, was successful in securing the unconditional acceptance of the Arabian Governments and of the Provisional Government of Israel to his cease-fire proposal as defined in a note to the parties dated June 7. In a subsequent communication dated June 9, the United Nations Mediator informed the President of the Security Council of the success of his efforts and concluded with the following statement:

> "I am, of course, highly gratified that my efforts toward the truce have now borne fruit. I will do my utmost to supervise the terms of the truce fairly and efficiently and will immediately turn my attention to the broader aspects of my task as Mediator, mainly the promotion of a peaceful adjustment of the future situation of Palestine".

The duties

The duties of the Mediator are therefore at the present time two-fold:

(1) to observe the cease-fire and ensure that the provisions of the Security Council resolution adopted on May 29 are scrupulously adhered to,

(2) acting under Paragraph I(1)(a)(iii) of the Assembly's resolution of May 14, to "use his good offices" to "promote a peaceful adjustment of the future situation in Palestine".

If the United Nations Mediator is successful in this latter endeavor there would seem to be no reason for further Security Council action in respect of Palestine. Count Bernadotte would presumably negotiate a modus vivendi or some more lasting political settlement between the State of Israel and the Arab Governments which would avert the threat of further hostilities in Palestine.

Should the United Nations Mediator not succeed in this task and should there be a resumption of hostilities, either by breach of the present four-weeks' cease-fire or by resuming hostilities at the end of the four-weeks' period, the Palestine problem will again come before the Security Council as a threat to international peace and security. In such case the United States will act under the basic position paper approved by the President on May 27 and will seek to secure action by the Security Council within the framework of Chapter VII of the Charter operating specifically under Articles 39, 40 and 41.

In conclusion, it is pertinent to quote the final paragraph of the position paper approved by the President on May 27:

"The Department of State wishes particularly to invite the attention of the President to the fact that the policy proposed above engages the most solemn powers and responsibilities of the Security Council and involves a major political commitment on the part of the United States. If such a policy is to have the desired effect, it must be pursued with vigor and singleness of purpose; otherwise, the Security Council will be demoralized and our attitude toward lifting the arms embargo itself might become the cause of even greater bloodshed in Palestine".

Copies to: NEA- Mr. Henderson
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UNA:RMcClintock:em- 6/14/48